



## Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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### RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, JULY 29, 2015

**Members present:** Fran L'Heureux, Patrick Dwyer, Tony Pellegrino, Lynn Christensen (arrived 7:05 p.m.) , and Alternate Leonard Worster.

**Member absent:** Richard Conescu.

**Staff present:** Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

#### 1. Call to Order.

*Fran L'Heureux called the meeting to order at 7:03 p.m. and designated Leonard Worster to sit for Richard Conescu.*

#### 2. Roll Call.

*Tony Pellegrino led the pledge of allegiance. Patrick Dwyer read the preamble and swore in members of the public who would be testifying.*

*Lynn Christensen arrived at 7:05 p.m.*

**3. Charles Morgan (petitioner) and 526 DW Highway, LLC. (owner) –** Special Exception under Section 2.02.3(C)(1) of the Zoning Ordinance to permit an accessory retail and wholesale automobile and equipment auction use within the C-2 (General Commercial) District. The parcel is located at 526 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. Case # 2015-22.

*This item was taken up after agenda item #5.*

*Applicant was represented by: Rick Lavigne, Owner, Northeast Expositions.*

*There was no public comment.*

*The Board voted 4-1-0 to grant the Special Exception, on a motion made by Lynn Christensen and seconded by Tony Pellegrino. Fran L'Heureux voted in the negative.*

**4. Steven and Amanda Venezia (petitioner) and Maverick Development Corp., Inc. (owner) –** Special Exception under Section 2.02.1 (B)(2) of the Zoning Ordinance to allow an Accessory Dwelling Unit (ADU). The parcel is located at 2 Hamilton Court in the R(Residential) District. Tax Map 6D, Lot 047-06. Case # 2015-23.

*Applicant was represented by: Steven Venezia, 2 Hamilton Court; and Steve Febonio, Maverick Development Corp., Inc.*

***Public comment was received from: Attorney Greg Michael, Bernstein Shur, 670 N. Commercial St., Manchester, NH.***

***The Board voted 5-0-0 to grant the Special Exception, with conditions, on a motion made by Tony Pellegrino and seconded by Lynn Christensen.***

**5. Rob Lavoie (petitioner) and Gregg Kennedy (owner) –** Appeal of an Administrative Decision under Section 3.02 of the Zoning Ordinance, seeking to overturn the Community Development Department Staff determination that soils-based lot sizing does not apply to a parcel located within the R-1 (Residential) District by Zoning Map. The parcel is located at 8 Fuller Mill Road in the R-1 (Residential) District. Tax Map 4B, Lot 153. Case # 2015-24.

***This item was taken up before agenda item #3.***

***Applicant was represented by: Attorney Greg Michael, Bernstein Shur.***

***At the applicant's request, the Board voted 4-0-1 to continue this item to August 26, 2015, at 7:00 p.m. in the Matthew Thornton Meeting Room, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino. Leonard Worster abstained.***

**6. Vasilios Gakis (petitioner/owner) –** Variance requested from Section 3.02(A) of the Zoning Ordinance to permit the creation of a lot with less than 100,000 s.f. of contiguous upland area. The parcel is located at 17 Beaver Brook Drive in the R (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 406. Case # 2015-25.

***Applicant was represented by Attorneys Greg Michael and Mike Klass, Bernstein Shur and Ken Clinton, Meridian Land Services.***

***There was no public comment.***

***The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Leonard Worster.***

**7. Discussion/possible action regarding other items of concern.**

***Discussion only.***

**8. Approval of Minutes – June 24, 2015.**

***The minutes of June 24, 2015, were approved as submitted, by a vote of 3-0-2, on a motion made by Leonard Worster and seconded by Lynn Christensen. Fran L'Heureux and Patrick Dwyer abstained.***

**9. Adjourn.**

***The meeting adjourned at 8:03 p.m., by a vote of 5-0-0, on a motion made by Lynn Christensen and seconded by Patrick Dwyer.***